

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

- ☐ Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
- ☒ Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
October 8, 1997	G3-30115		

NAME			
Bob A. Morris			
ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
9112 North Seven Mile Road	Nine Mile Falls	Washington	99026

PUBLIC WATERS TO BE APPROPRIATED

SOURCE	
A well	
TRIBUTARY OF (IF SURFACE WATERS)	

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE FEET PER YEAR
	140	36.8

QUANTITY, TYPE OF USE, PERIOD OF USE

120 gallons per minute, 35.3 acre-feet per year, seasonally, each year for the irrigation of 10.5 acres, 20 gallons per minute, 1.5 acre-feet per year, continuously, each year for single domestic supply and stockwater.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL

850 feet South and 75 feet East from the Northwest corner of Section 21.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
NW¼NW¼	21	26	42 E.	54	Spokane

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

West one-half of the following described property: The South 162.43 feet of the NW¼NW¼NW¼ and that portion of the SW¼NW¼NW¼ lying northerly of the county road known as Seven Mile Road, All in Section 21, Township 26 North, Range 42 E.W.M.; EXCEPT the East 165 feet thereof.

DESCRIPTION OF PROPOSED WORKS

Well, pump, irrigation system

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:

August 1, 2004

COMPLETE PROJECT BY THIS DATE:

August 1, 2006

WATER PUT TO FULL USE BY THIS DATE:

August 1, 2008

REPORT

BACKGROUND

An application to appropriate public ground water was submitted by Bob A. Morris to the Department of Ecology on October 8, 1997. The application was accepted and assigned Ground Water Application No. G3-30115. The applicant proposes to withdraw water from a well in the amount of 140 gallons per minute for domestic supply, stockwater and seasonal irrigation of 10.5 acres. The proposed point of withdrawal is to be located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 21, T. 26 N., R. 42 E.W.M.

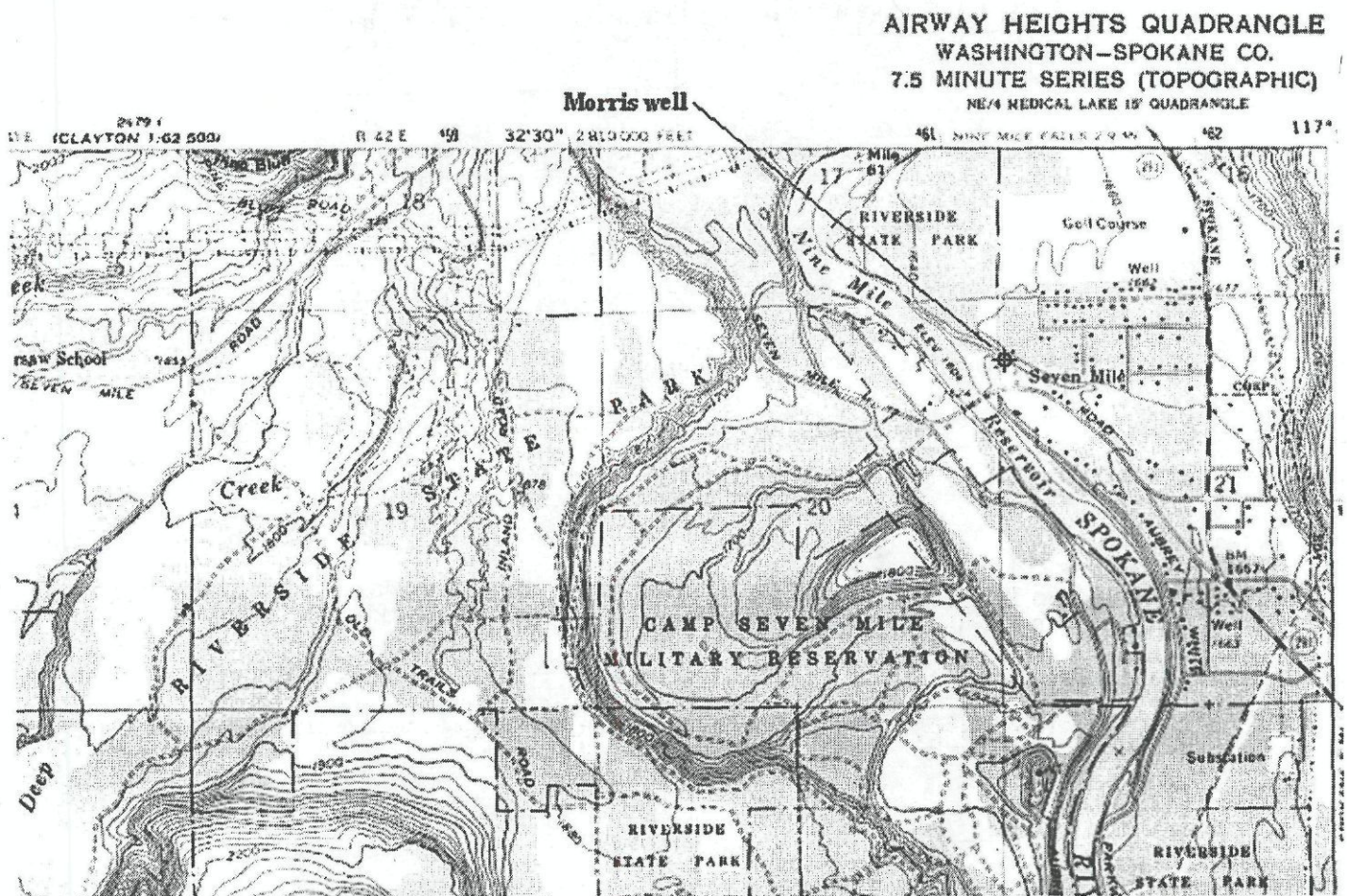
A notice of application was duly published in accordance with RCW 90.03.280; no protests were received.

This application is categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW.

INVESTIGATION

In considering the proposed application, the investigation included, but was not limited to, research and review of (1) appropriate rules and statutes; (2) other water rights/claims/applications in the vicinity; (3) water well reports in the vicinity; (4) USGS topographic maps and; (5) discussions with Department of Ecology regional program staff.

A field investigation was conducted by Gene Drury on August 15, 2002. The proposed project is located at "Seven Mile" which is seven miles northwest of the City of Spokane on the east side of the Spokane River.



At the time of investigation the project had been started. The applicant, Mr. Morris, currently uses water for domestic supply of one home and for stockwater supply for two horses. Water is also used for lawn watering around the house and irrigation of pasture. Approximately 7 acres are irrigated at this time with another 3.5 acres planned. Mr. Morris uses about 30 impact sprinklers with miscellaneous size sprinklers for lawn irrigation around the house.

Crop requirements for pasture/turf in this area is calculated at 40.3 inches or per acre or 3.36 acre-feet per acre (using an estimated 70% efficient system) according to the Washington State Irrigation Guide (WA210-Vi-WAIG, AMEND.1NOVEMBER1990 at Spokane, Washington - 28.21 inches). For the 10.5 acres of irrigation, 35.3 acre-feet of water could be required for the irrigation of these lands. A map is provided in the file showing the irrigated lands. 20 gallons per minute and 1.5 acre-feet is an adequate supply of water for the domestic and stockwater supply portion.

The well is located within a 6' concrete vault on the north end of the lower pasture and below the house. The 8 inch well is 65 feet in depth according to the applicant. According to Mr. Morris, a one horsepower Stayrite submersible pump provides water from the well. There is no recorded well log on file but the well is constructed into sands and gravels. The well is located approximately 500 feet from the Spokane River.

The well appears to have been in use since 1964. A water right claim was filed by Mr. Morris under Claim No. 126400 on June 22, 1974. The claim was filed for domestic supply, irrigation (including lawn and garden) and stockwater. The claim form does list "June 1964" as the date of first putting water to use. Based on this, it would appear that this claim does not meet the requirements under Chapter 90.14.043(2)(a) requiring that ground water be put to use prior to June 7, 1945. It would appear that this is not a valid claim, therefore the reason for the applicants request under Ground Water Application G3-30115.

When considering an application for a new water right permit, the Department of Ecology must first determine that the following statutory requirements are met:

1. The proposed use of water will be a beneficial one;
2. There is water available for appropriation;
3. There will be no impairment to existing water rights;
4. The requested water right will not be detrimental to the public interest.

This discussion focuses on the questions of availability, impairment of existing rights, and the public interest.

Water Availability/Impairment of Existing Water Rights

Hydrogeologic Analysis

This application was reviewed by John Covert, hydrogeologist for the Department of Ecology. The well is located in WRIA 54 (Lower Spokane River Watershed). The well is situated near the east bank of the Spokane River and likely penetrated a poorly sorted, stratified mixture of sand, gravel, cobbles, and boulders. These were deposited during one or more glacial outburst floods that flowed down the lower Spokane River valley during the late Pleistocene epoch (approximately 13,000 to 15,000 years ago). No well log is available for this well but a number of other wells located within the quarter section were drilled to a depth of less than 100 feet and penetrated unconsolidated sands and gravels and had static water levels that were typically 40 feet below land surface. There is water available for the proposed water uses. Groundwater pumped at this location is in hydraulic continuity with surface water in Nine Mile Reservoir.

A search was conducted for existing water rights in the vicinity of the proposed project. The search found no other overlapping water rights within the proposed project area. Additionally, there were no nearby water rights or domestic exempt wells which would be affected through the issuance of a permit under this application. No well interference problems have been reported in this area and impairment of existing, senior water rights is not anticipated.

Public Interest

A review of the general area by Department of Ecology hydrogeologists concludes that the proposed withdrawal would capture groundwater that would otherwise contribute water to the Spokane River. The groundwater code, under RCW 90.44.030, states that; "The rights to appropriate the surface waters of the state and the rights acquired by the appropriation and use of surface waters shall not be affected or impaired by any of the provisions of this supplementary chapter and, to the extent that any underground water is part of or tributary to the source of any surface stream or lake, or that the withdrawal of ground water may affect the flow of any spring, water course, lake, or other body of surface water, the right of an appropriator and owner of surface water shall be superior to any subsequent right hereby authorized to be acquired in or to groundwater."

The Washington State Department of Fish and Wildlife (WDFW) has provided general comments to Ecology regarding the applications for ground water near the Spokane River. WDFW has indicated that such applications should also be subjected to instream flows on the Spokane River. All surface water diversions or ground water withdrawals in continuity with the Spokane River shall cease when the flow of the Spokane River falls below 200 cubic feet per second in the Spokane River below Little Falls Dam as measured by Avista Corporation. Additionally, when the elevation of Franklin D. Roosevelt Reservoir is at or below 1281 feet, all diversions/withdrawals shall cease when the flow of the Spokane River falls below 500 cubic feet per second (cfs). The proposed water uses under this application are for irrigation and domestic water. To assure that the ground water withdrawal does not significantly affect the flow of the Spokane River, all of the irrigation use under this permit will be subjected to the recommended instream flows.

CONCLUSIONS

Under RCW 90.03.290, an application for permit may be approved if water is available for appropriation, and the proposed use would be a beneficial use, would not impair existing water rights, and would not be detrimental to the public welfare. This examiner concludes that water is available for appropriation and that domestic supply, stockwater and the irrigation of 10.5 acres are all beneficial uses; the appropriation will not impair existing water rights or be detrimental to the public welfare.

RECOMMENDATIONS

It is recommended that this application be **APPROVED** for continuous single domestic supply, stockwater supply and seasonally, each year for the irrigation of 10.5 acres, subject to the following provisions:

"All irrigation shall cease when the flow of the Spokane River falls below 200 cubic feet per second in the Spokane River below Little Falls Dam as measured by Avista Corporation. Additionally, when the elevation of Franklin D. Roosevelt Reservoir is at or below 1281 feet, all irrigation under this authorization shall cease when the flow of the Spokane River falls below 500 cubic feet per second (cfs). The elevation of Lake Roosevelt shall be measured at the United States Bureau of Reclamation (USBR) gage located at Grand Coulee Dam. Avista Corporation measures the flow in the Spokane River below Little Falls Dam. This flow has been tentatively established from revised recommendations of the Washington Department of Fish and Wildlife. The use of water under this permit is also subject to the continued cooperative arrangement with Avista Corporation and the Spokane Tribe and their maintenance of instream flows pursuant to that agreement. If Avista determines that protection of their senior power water right requires amendment of the cooperative arrangement, this permit will be subject to any future instream flow agreement with the Spokane Tribe or the USBR to protect Avista's interests and maintain adequate instream flow conditions for fish."

"An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use," Chapter 173-173 WAC. Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request."

"The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements."

"Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions."

"Any future pump test data for the new well shall be submitted as it is obtained to the Department of Ecology."

"The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required."

"This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise."

"Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations."

"All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells)."

"Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities."

"A well log of the completed well shall be submitted by the driller to the Department of Ecology within thirty (30) days of completion of this well. This well log shall be complete and all information concerning the static water level in the completed well in addition to any pump test data shall be submitted as it is obtained."

"That portion of this authorization relating to irrigation is classified as a Family Farm Permit in accordance with Chapter 90.66 RCW (Initiative Measure No. 59). This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the State of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm."

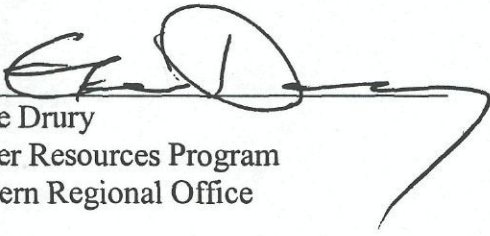
"The installation of an access port, described in Ground Water Bulletin #1, shall be required prior to issuance of a final certificate of water right. In addition, an airline and pressure gauge shall be installed and maintained in operating condition. The pressure gauge shall be equipped with a standard tire valve and placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Department of Ecology upon completion of the pump system."

Report Continued

"The water quantities and uses recommended and/or the number of acres to be irrigated may be reduced at the time of issuance of a final water right commensurate with the capacity of the installed system and the uses and/or the number of acres actually irrigated."

"A certificate of water right will not be issued until a final examination is made."

Signed and dated at Spokane, Washington this 23rd day of July, 2003.

By 
Gene Drury
Water Resources Program
Eastern Regional Office

GD:md

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe Street • Spokane, Washington 99205-1295 • (509) 456-2926

July 23, 2003

Mr. Bob A. Morris
9112 North Seven Mile Road
Nine Mile Falls, Washington 99026

Dear Mr. Morris:

Re: Ground Water Application No. G3-30115

Enclosed please find a copy of the Department of Ecology's Report of Examination. This report constitutes our determination and order regarding the above referenced application.

Your application has been approved and a permit will be issued in accordance with the enclosed Report of Examination upon payment of the statutory fee of \$29.20. Please remit your payment by check to the Department of Ecology within thirty (30) days from receipt of this letter.

This decision may be appealed pursuant to RCW Chapter 43.21B. The person to whom this decision is issued, if he or she wishes to file an appeal, must file the appeal with the Pollution Control Hearings Board **within thirty (30) days of receipt of this decision**. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal **must** be sent to: Department of Ecology, Water Resources Appeals Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600. All others receiving notice of this decision, who wish to file an appeal, must file the appeal with the Pollution Control Hearings Board **within thirty (30) days of the date the decision was mailed**. The appeal must be filed, with both the Pollution Control Hearings Board and the Department of Ecology, in the same manner as described above.

Sincerely,

Cindy A. Christian
Acting Section Manager
Water Resources Program
Eastern Regional Office

CAC:md

W: ROE/cvr letters/2003/Morris Bob G3-30115 7-23-2003.doc

Enclosures

I certify that I mailed this letter or an identical copy thereof, postage prepaid, to the above addressee(s) this 24th day of July, 2003.

Water Resources Program, Office Assistant, Molly A. Davis

